

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

SERENA MARIE HUNTER,

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,
INC., a New Mexico Foreign Profit
Corporation,

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441 *et seq.*, Defendant Experian Information Solutions, Inc. (“Experian”) hereby files this Notice of Removal of the above-captioned action to this Court and states as follows:

1. Experian is a named Defendant in Civil Action No, D-202-CV-2020-02739 filed by Plaintiff Serena Marie Hunter (“Plaintiff”) in the State of New Mexico, County of Bernalillo, Second Judicial District, (the “State Court Action”), by filing a Complaint on April 27, 2020. Copies of all pleadings filed in the action are attached hereto as Exhibit A.

2. Plaintiff served the Complaint on Defendant Experian Information Solutions, Inc. on April 29, 2020. A copy of all service documents are attached hereto as Exhibit B.

3. This Notice of Removal is filed in this Court within 30 days of Experian’s receipt of the initial pleading in the case. *See* 28 U.S.C. § 1446(b).

4. The state court in which this action was commenced is within this Court’s district. Therefore, this action is properly removed to this Court, pursuant to 28 U.S.C. §§ 1441(a) and 1446.

5. Experian is a corporation which, for monetary fees, regularly engages in whole or in part in the practice of assembling consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties. Experian uses means or facilities of interstate commerce for the purpose of preparing or furnishing consumer reports, and therefore is a “consumer reporting agency” within the meaning of 15 U.S.C. § 1681a(f).

6. The claims for relief against Experian alleged in the State Court Action arise under the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 *et seq.* Thus, this Court has original subject matter jurisdiction over the above-captioned action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681p. Furthermore, this Court has supplemental jurisdiction over Plaintiff's claims arising out of the New Mexico Unfair Practices Act, 1978 §§ 57-12-1 *et seq.*, pursuant to 28 U.S.C. § 1367(a), as those claims are part of the same case or controversy as the claims over which this Court has original jurisdiction. The above-captioned action may properly be removed to this United States District Court pursuant to 28 U.S.C. § 1441(a).

7. Promptly after the filing of this Notice of Removal, Experian shall provide notice of the removal to Plaintiff through her attorney of record in the State Court Action, and shall file a copy of this Notice with the clerk of the Court in the State Court Action, as required by 28 U.S.C. § 1446(d).

Dated: May 28, 2020

Respectfully submitted,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By /s/ Charles J. Vigil
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CERTIFICATE OF SERVICE

I hereby certify that I have caused to be sent, via electronic mail, a true and correct copy of the foregoing pleading to the following counsel of record on May 28, 2020:

Robert D. Mueller
Attorney for Plaintiff
Mbuna4@gmail.com

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: /s/ Charles J. Vigil
Charles J. Vigil